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SPEECH

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MR. DIXON, OF CONNECTICUT,

ON THE REFERENCE OF THE

PRESIDENT'S MESSAGE.

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE U. STATES,
JANUARY 24, 1848.

WASHINGTON:

PRINTED BY J. & G. S. GIDEON.

1848.

E407
D62

THE PRESIDENT RESPONSIBLE FOR THE MEXICAN WAR AND ITS CONSEQUENCES.

S P E E C H .

The House being in Committee of the Whole on the State of the Union, and having under consideration the President's Annual Message, (Mr. J. R. INGERSOLL, of Pennsylvania, in the Chair)—

MR. DIXON (of Connecticut) addressed the Committee as follows:

MR. CHAIRMAN:

When the resolution tendering the thanks of Congress to General Taylor was before this House, a short time since, a member from Indiana offered an amendment, to the effect that the battles in which Gen. Taylor had been engaged, were fought in defence of the rights and honor of the nation. This amendment my friend from Massachusetts, (Mr. ASHMUN,) immediately proposed to amend, by adding thereto these words—"IN A WAR UNNECESSARILY AND UNCONSTITUTIONALLY COMMENCED BY THE PRESIDENT OF THE UNITED STATES." For this proposition of the gentleman from Massachusetts I voted. I believed it true then; I believe it true now. I rejoiced when the gentleman, with his accustomed promptitude and readiness, proposed his amendment, and have never given a vote more willingly in this House than on that occasion.

It will be, sir, a part of my object, in addressing the Committee at this time, to prove the truth of the proposition then adopted by the majority of this House. I dare not flatter myself that, in the discussion of this question, I shall be able to present any thing new to the attention of the committee. The subject has been so fully and so ably treated, not only in this House, but by the Press throughout the country, that it seems almost impossible to impart to its discussion any novelty whatever. If I shall succeed in so doing, I shall deem myself peculiarly fortunate.

In what I am about to say, I shall have occasion to question the accuracy of the President of the United States, but I shall endeavor to do so with a becoming respect for the dignity of his high office. I shall raise with him no question of *personal* veracity. I shall not assume that he has *intended* to deceive this House and the country. The supposition that he sat down to write his messages with the deliberate determination to misstate facts, is too shocking to be entertained, or, if entertained, to be expressed in this place. I shall not take that ground, though I believe that errors, with regard to matters of fact, of the gravest character, abound in all the messages of the President relating to the war with Mexico. It is not for me to say they are intentional; though, if gentlemen on this floor have heretofore seen fit to express such an opinion, I recollect an instance of equal freedom of speech in another legislative assembly. I happened, a few days since, to fall in with some remarks, made on an occasion somewhat similar to the present, by a statesman of lofty standing in the British House of Lords, and I was struck with the freedom with which he spoke of certain statements made by the King in his speech from the throne. The distinguished statesman to whom I refer, (Lord Chatham,) believed those statements to be untrue, and he did not hesitate, in language plain, explicit, di-

rect, to charge the King and his advisers with falsehood. I beg leave to read to the committee, from his speech on that occasion, an extract, which is not a little curious, as showing the spirit of those times. It may possibly have escaped the recollection of some gentlemen of the committee. It may be found in Thackeray's life of Lord Chatham, and is as follows:

"Some persons I see have been shameless and daring enough to advise his Majesty to support and countenance this opinion (the disavowal of certain proceedings by the Court of Spain) in his speech from the throne. Certainly, my lords, there never was a more odious, a more infamous falsehood imposed on a great nation: it degrades the King's honor; it is an insult to Parliament. His Majesty has been advised to confirm and give currency to an absolute falsehood. I beg your lordship's attention, and I hope I shall be understood when I repeat, that the Court of Spain having disavowed the act of their governor is an absolute falsehood. * * * If the falsehood of this pretended disavowal had been confined to the Court of Spain, I should have admitted it without concern. I should have been content that they themselves had left a door open for excuse and accommodation. The King of England's honor is not touched till he adopts the falsehood, delivers it to his Parliament, and makes it his own."

I have read this extract for the sole purpose of showing that the freedom of debate in this House, during this and the last session of Congress, has not equalled that permitted in the Parliament of Great Britain. But, in the progress of my remarks, I shall not avail myself of the privilege claimed by others. It will be enough for me if I can show that the President has been guilty of gross mistakes in his statement of facts; whether intentionally or not, is not important to my purpose.

In the elaborate arguments contained in the various messages of the President with regard to the Mexican War, the anxiety with which he has argued the question—by whom was the war commenced—cannot have escaped your attention. Why has this question been so anxiously labored by the President? Why is it deemed by him of so much importance to show that *Mexico* commenced the war? It by no means follows as a matter of course, that a war is always unjust on the part of the nation commencing hostilities. On the contrary, the presumption should be, that the party commencing war has just cause for resorting to such an extremity. Who commenced our late war with Great Britain? In defending that war and its justice, who has ever denied that it was commenced by us? It is true that it was prosecuted, for the most part, on our own soil, and became, from the nature of the case, almost entirely defensive in its character; but that it was *commenced* by us for the redress of a long series of wrongs and outrages inflicted by Great Britain, is matter of history. He who should *for this reason* deny its justice, would probably find few to concur with him in opinion. While the war of the Revolution was doubtful as to its issue, many efforts were made to show that the first blood was shed by the British troops. After the contest was decided, and success had rendered us secure of the judgment of the world, that ground of defence was little pressed, and the justice of our cause in that quarrel is not made dependent on the decision of the question—who commenced the war? A *just* war is not the less just, because commenced by the party which has injuries requiring so terrible a redress. The question, therefore, by whom was the war commenced, is not thus laboriously discussed by the President, because its answer, if in accordance with his views, aside from all other considerations, would decide of course the justice of the contest, but for another reason. He well knows the vast importance, *to himself personally*, of showing that Mexico commenced hostilities, because *if not commenced by Mexico*, then the consequence is unavoidable, that they were commenced by himself. It is certain that Congress did not commence the war; but, on the contrary, declared it already to exist on the 13th day of May, 1846. It was not,

then, commenced by the war-making power of this country; and if not by Mexico, then it follows, as the night the day, that it was commenced by the President of the United States. There is no escape from this conclusion, and hence the struggles, constant but ineffectual, on the part of the President, to show that Mexico invaded the territory of the United States, struck the first blow in this unfortunate contest, and “shed American blood on American soil.” When we were told, on the 11th of May, 1846, that war existed, Congress, the war-making power, had not declared war; and if it was not commenced by Mexico, no one will deny that the assumption of the war-making power, by the President, was an unconstitutional act. Hence his extreme anxiety to prove Mexico the aggressor. In attempting to prove this, and thus shield himself from the consequences of his own unconstitutional act, he has resorted to arguments, which I do not hesitate to pronounce unworthy of the character of the Chief Magistrate of this great Republic. He has made assertions which cannot be sustained by proof. He has used language which, if literally true, is in spirit and meaning untrue, and is calculated, if not intended—(I hope it was not intended)—to produce a false impression on the public mind. He has misunderstood, or misrepresented, the votes of this House, and has given the impression that certain measures have had the almost unanimous sanction of this body, when the journal of its proceedings, if examined by him, would have shown him that the contrary was the fact. These charges, in a manner befitting the character of this House and the official dignity of the President, I shall attempt to substantiate.

And, first, with regard to the votes of this House. Every gentleman who hears me will recollect the bill of the 13th of May last, declaring the existence of the war. With regard to that bill, and the action of the House of Representatives upon it, the President, in his last annual message, uses the following language:

“On learning that hostilities had been commenced by Mexico, I promptly communicated that fact, accompanied with a succinct statement of our other causes of complaint against Mexico, to Congress; and that body, by the act of the thirteenth of May, 1846, declared that ‘by the act of the Republic of Mexico a state of war exists between that government and the United States’—this act, declaring ‘the war to exist by the act of the Republic of Mexico,’ and making provision for its prosecution ‘to a speedy and successful termination,’ was passed with great unanimity by Congress, *there being but two negative votes in the Senate, and but fourteen in the House of Representatives.*”

What is here asserted by the President? That the bill declaring the war to exist by the act of the Republic of Mexico, had but fourteen negative votes in the House of Representatives. In other words, the President conveys the idea, and so he would be understood by any one ignorant of the real history of the transaction, that the entire House of Representatives, with the exception of fourteen members, had, without any reserve, and without protest, declared the war “to exist by the act of Mexico.” Here, in an official document, where deception or concealment should find no place, is an attempt to convince the country, by an artful collocation of words, and a suppression of a part of the truth, that the House of Representatives—fourteen members only *excepted*—*thought* this war to have been commenced by Mexico, *and so declared*. Was this quite worthy of the Chief Magistrate of this nation? Could he have been ignorant of the facts in the case? Did he not know that sixty-seven members voted *against* the assertion that war existed by the act of Mexico; that the ayes and noes were ordered, and that their names are recorded as thus voting? Does he not recollect that they protested against the preamble containing this statement; that they pronounced it false; and finally, when they could not

strike it out, voted for the bill, in spite of its false preamble, solely because they deemed it indispensable to furnish General Taylor with reinforcements immediately? The President, I venture to say, knew all this. Yet the idea conveyed by him is, that *only fourteen members were opposed* to the declaration that war existed by the act of Mexico, when, in point of fact, sixty-seven Whig members voted against this declaration, and are so recorded in the list of ayes and noes in the published journal! I shall use no harsh terms on this occasion; but I ask if this kind of misrepresentation is not totally unworthy such a document as the message of the President of the United States—a document which is read with profound interest in every part of the world, and should be dignified, just, honorable, and, like a record, “import absolute verity?” In an unscrupulous partisan newspaper—in a one-sided speech at the hustings, such unworthy specimens of the art of electioneering, should alone be found.

The Whigs in the House of Representatives, who voted for the bill in question, wished to protect and defend General Taylor. They had heard that he was surrounded by a host of infuriated Mexicans; they thought it barely possible that the supplies voted in that bill, might reach him in season to rescue him and his gallant army, from their perilous situation, and they would not permit the false preamble, against which they had in vain voted, to prevent their taking the patriotic ground which they wished to occupy—the ground of furnishing necessary supplies to our army. Could they have been endued with a divine attribute, and have foreseen what has since happened, they might have acted otherwise. But who then dreamed of this protracted war? Who imagined that we were, with our armies, to invade Mexico, and overrun, perhaps subjugate, a large portion of that republic? And after doing all this, and when she should lie, prostrate and bleeding, at our mercy, who imagined that the vote then given, would be seized upon by the President as a reason why we should plunge the sword still deeper into the “*vital parts*” of Mexico?

Before proceeding further, permit me to allude to a topic introduced by an honorable member from Indiana in his speech last week. The assertion that the war was brought on suddenly, and that the Whigs in this House, on the 11th of May, 1846, when the President’s war message was received, were taken by surprise, he declared to be an afterthought—a mere “*pretext*.” They had, he said, full and ample notice that war with Mexico was probable, or at least possible; and, in proof of this, he refers us to the President’s annual message of 1845, from which he quoted the following:

“The moment the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defence. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coasts of Mexico, and to concentrate an efficient military force on the western frontier of Texas. Our army was ordered to take a position between the Nueces and Del Norte, [Corpus Christi,] and to repel any invasion of the Texan territory which might be attempted by the Mexican forces.”

Thus, said the gentleman from Indiana, notice was given to Congress of the expected conflict, and, if we did not take notice of it, we were guilty of culpable neglect in not reading the documents laid on our tables. But what does the President, in this extract, say he has done? Not that he has taken possession of *disputed territory*, for *then* he had done no such thing; but that he has taken steps to prevent the invasion of *Texas* by Mexico. He had concentrated, he says, a military force on the western frontier of Texas. Where was this force concentrated? At Corpus Christi, one hundred and fifty miles east of the Rio Grande, where they remained for nearly six months; and this, he says, was “the western frontier of Texas.” Was this giving us notice that he

should march into the Mexican settlements on the Rio Grande, while negotiations were pending? But let me, for a moment, turn your attention to some other portions of the same message. Let us see if war with Mexico was as distinctly shadowed forth as the gentleman claims. In congratulating Congress on the annexation of Texas he said, in this very message:

“This accession to our territory has been a *bloodless* achievement. No arm of force has been raised to produce the result. *The sword has had no part in the victory.* We have not sought to extend our territorial possessions by conquest, or our republican institutions over a reluctant people!”

Did this look like an intended invasion of Mexico? Was this an intimation which bound us to take official notice that war was probable? But, further; in the same message he informed us that he had sent a minister to Mexico, “clothed with full powers to adjust, and definitively settle, all pending differences between the two countries, *including those of boundary between Mexico and the State of Texas.*”

And yet the gentleman declares, that this very message sounded the note of warning in our ears that war was at hand, which we could not fail to hear and understand, without culpable neglect of duty. But, sir, little did we suppose that, before the President heard whether this minister was received, whom he had dispatched to Mexico charged with full powers to “settle the boundary between Mexico and the United States,” he would march an army into the disputed territory and beyond the extreme limit of the doubtful ground, and, by this act of usurpation, precipitate the country into a state of war. I shall give my attention again to this topic in its proper place, and for the present pass over it.

In the war message of May, 1846, the President declared that he did not send the army to the point, where they took position on their first occupation of the western part of Texas, [viz., Corpus Christi,] until he was requested so to do “both by the Congress and Convention of Texas.” This is his language: “In my message, at the commencement of the present session of Congress, I informed you that, upon the earnest appeal both of the Congress and Convention of Texas I had ordered an efficient military force to take a position between the Nueces and the Del Norte.” [This order General Taylor executed by taking position at Corpus Christi, where the army, as thus ordered, took position and remained till March 11, 1846.] Now, sir, let us look at the message, at the commencement of the (then) present session of Congress, and see *how* the President informed us that he made this order “upon the urgent appeal and request of both the Texan Congress and Convention.” In that message he used this language, viz: “Both the Congress and Convention of Texas invited this Government to send an army into that territory to protect and defend them against the menaced attack.” Was this informing us that he had sent the army upon “the earnest appeal of the Texan Congress and Convention?” No, sir, it gave us no such information. He said that Texas had *invited* the army, which was true; but he did not say in that message that the army was sent “upon the urgent appeal of the Texan Congress and Convention,” for, in point of fact, it was sent *before either the Congress or Convention had assembled*, as I shall show. Sir, in his annual message of 1845, the President was not prepared to say that he sent the army to Corpus Christi “at the request of the Texan Congress and Convention,” but in his war message of May 11, 1846, six months afterwards, he made this declaration, and added, that he had told us so six months before. Any one, by a reference to his annual message of December, 1845, can see that he had told us no such thing in that document. No such thing can be found there. •He only told us, in that message, that he had been requested by the Texan Cou-

gress and Convention to send the army; but, whether this request was before or after it was actually sent, he does not say. No, sir, it was reserved for the never to be forgotten war message of May, 1846, to assert that our troops were sent to the point they so long occupied, at Corpus Christi, "upon the urgent appeal both of the Congress and Convention of Texas." And now, sir, I ask the attention of the committee while I show, by the documents furnished to this House by the President, that he did not send the army of which he speaks to any portion of Texas, upon the "urgent appeal of the Texan Congress and Convention," or upon their "*invitation*," but that he did so *before either of those bodies assembled!*

On the 28th day of May, 1845, Mr. Marcy, Secretary of War, wrote to General Taylor, informing him that he would probably soon be called on to proceed with the forces under his command to Texas; and on the 15th day of June following, (June 15, 1845,) Mr. Bancroft (then acting Secretary of War, as it would seem,) sent to General Taylor an order to proceed to the western frontier of Texas, with an "ultimate destination" to the banks of the Rio Grande.

The President says it was "on the urgent appeal of both the Texan Congress and Convention" that this order was given. Let us see. If you will turn, sir, to the Executive documents of the 29th Congress, 1st session, page 42, you will find that, on the 15th day of April, 1845, Anson Jones, President of the Republic of Texas, issued a proclamation, in which he called an extra session of the Texan Congress, to meet on the 16th day of June, 1845, for the purpose of taking into consideration the Joint Resolutions of Annexation passed by the Congress of the United States.

This call for an extra session was dated April 15th, 1845. The Congress of Texas accordingly met on the 16th day of June, 1845. On the 15th day of the same month, in the same year, the order to occupy the western frontier of Texas, which resulted in General Taylor's taking position at Corpus Christi, was given—the same order which was mentioned in the message of December, 1845, and which the President again alludes to in the war message of May, 1846, and declares to have been on the *urgent appeal* of the Texan Congress and Convention. It was issued the day before the meeting of the Texan Congress, on whose urgent appeal the President of the United States solemnly informed Congress it was issued!

So much for the action of the Texan Congress. Let us look now at that of the Texan Convention.

When was the "urgent appeal," upon which this military force was ordered to take position between the Nueces and the Del Norte, made by the Texan Convention? That Convention was authorized, by an act of the Texan Congress, (at its special session to which I have just alluded,) approved June 23d, 1845, to meet on the 4th of July, 1845, and did meet on that day, and not before. The President, then, on the 15th day of June, 1845, directed an efficient force to take position near the mouth of the Nueces on the urgent appeal of the Texan Convention, which assembled twenty days after the order was given, to wit, on the 4th of July, 1845! Why are the facts thus misrepresented in the message? Why does the President wish us to believe that these orders were issued by him *in consequence* of the request of Texas, when the fact was otherwise? Was it necessary to disguise the truth, in order to defend his own unauthorized acts? So much for the accuracy of the message on this point.

Before proceeding further to discuss the origin of the war and the responsibility of the Executive for its commencement, it is important to consider that the question, whether at the beginning of hostilities we had, as a nation, just cause of war against Mexico, however it may be decided, cannot at all justify the conduct of the President. If we then had cause of war, it is sufficient for us to know that the war-making power of this Government had not seen fit to

commence war for those causes. I do not desire, for the present, to deny that we had just cause of war. I might admit it without affecting my argument, for the question I am discussing is—by whom was the war commenced, and not whether we had sufficient causes of war to justify Congress in declaring it, had they seen fit to do so; and I repeat that, if we had cause of war, the war-making power had not declared war when hostilities commenced and the first battles were fought. All, therefore, which the President says, by way of extenuation of his conduct, with regard to the then existing causes of complaint against Mexico, must be considered utterly unimportant, and as furnishing him no defence, inasmuch as, even if these causes would have justified Congress in declaring war, they furnish no justification to the President, who is not the war-making power. He had no more right to decide that war was our proper remedy for wrongs inflicted by Mexico, than the Supreme Court of the United States, and it is no defence of his course, that we had suffered any number of injuries at the hand of Mexico. Nor do I understand the friends of the President now to rest his defence on this ground, although in one of his messages he indirectly attempts to justify his course by reciting the long catalogue of wrongs, which he claims Mexico has inflicted on this nation. I do not desire to deny or palliate those wrongs, nor is it necessary for my purpose to decide whether they would have justified Congress in declaring war.

[Here Mr. VINTON, in an under tone, was understood to remark that they did not constitute sufficient cause of war.]

So I think, sir, and I—(since otherwise my real opinion on that point may be misunderstood,) have no hesitation in saying that had Mr. Polk, in his annual message of 1845, recommended the “ulterior measures” which he says had been in contemplation, but were not urged in consequence of the consent of the Mexican Government to receive a minister—I, as one humble representative of the people, should by no means have voted for a declaration of war; I should have voted against it. I did not think we had sufficient cause of war, nor if we had, that all peaceful means had been exhausted for the adjustment of existing difficulties, and therefore, I should not then have given a vote to authorize the President to adopt the last resort of nations. But, if it is admitted that sufficient cause of war existed, this admission does not help the President, because, as I have said, he was not the war-making power. Before leaving this topic I desire to show the opinion of General Jackson, expressed as late as August 5, 1836, with regard to our causes of complaint against Mexico. In a letter of that date to Governor Cannon, of Tennessee, he uses this language :

“[EXTRACT.]—Should Mexico insult our national flag, invade our territory, or interrupt our citizens in the lawful pursuits which are guarantied to them by treaty, then the Government will promptly repel the insult, and seek reparation for the injury. BUT IT DOES NOT APPEAR that offences of this kind have been committed by Mexico.”

Signed,

“ANDREW JACKSON.”

On the 5th of August, 1836, then, General Jackson thought we had no cause of war against Mexico. If, since that time, she has inflicted injuries upon us, perhaps an impartial tribunal would decide that the plot for the annexation of Texas, for twenty years secretly cherished, and finally successfully executed in 1845, affords her some ground for the belief that the wrongs inflicted have not been wholly on one side. But I must hasten to another part of my argument.

The principal ground of defence assumed by the President for taking forcible possession of the territory on the Rio Grande, is, that the territory thus taken was “American soil,” a portion of the United States. I propose to examine that proposition.

In the year 1844, the predecessor of the present Executive made a treaty with Texas, by which that country was annexed to this Republic. That treaty

was submitted to the Senate of the United States for ratification, and was by that body rejected. The published debates on that occasion show the grounds on which the rejection of the Tyler treaty was based. Mr. BENTON, and other Democratic Senators, voted and spoke against the treaty, and their opposition was almost solely placed on the ground that, by the treaty, the boundary question was settled precisely as the President has now taken upon himself to settle it. I shall have occasion, in the course of my remarks, to quote what Mr. BENTON said on that occasion. He and other Democratic Senators voted against the treaty, because it implied that the western boundary of Texas was the Rio Grande, thus, as they said, encroaching upon Mexican territory. The treaty was, therefore, rejected by the votes of Senators friendly to annexation, but unwilling to annex *territory belonging to Mexico* to the United States. The Senate refused to seize a portion of Mexican territory, by annexing Texas with the Rio Grande as a western boundary. The measure was thus, for a time, defeated. During the last Presidential canvass it was made a question at the polls, but when its opponents predicted war as one of its probable consequences, the people were assured that there was no danger of war, that the claims of Mexico would be silenced by money, and that the question of boundary *would be settled by negotiation*. After the result of the Presidential election of 1844 was known, the subject was again brought before Congress, and it was proposed by joint resolution of the two Houses of Congress, to annex Texas to this Union. The resolutions, after having passed the House, were amended in the Senate, by adding an alternative proposition, authorizing the President to negotiate with Texas and Mexico; and with the addition of this second proposition, which it was said would be adopted by the President, the Joint Resolutions of Annexation passed the Senate. Mr. Tyler, however, on the third of March, 1845, as one of the last acts of his administration, adopted the first alternative of the two propositions. In the Message of December, 1845, Mr. Polk says :

“In pursuance of the Joint Resolution of Congress for annexing Texas to the United States, my predecessor, on the third day of March, 1845, elected to submit the first and second sections of that resolution to the Republic of Texas as an overture on the part of the United States for her admission into the Union. This election I approved,” &c.

The first and second sections of the Joint Resolution, thus adopted by Mr. Tyler and approved by Mr. Polk, are as follows :

“*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with consent of the existing government, in order that the same may be admitted as one of the States of this Union.*

“*Be it further enacted, That the foregoing consent of Congress is given upon the following conditions and the following guarantees, to wit :*

“*First. Said State to be formed subject to the adjustment by this Government of ALL QUESTIONS OF BOUNDARY that may arise with other governments, &c.*”

Under these conditions, Mr. Chairman, Texas came into this Union; with the express “condition and guarantee” that the question of her boundary with Mexico, (with no other nation had she any question of boundary,) should be settled by the Government of the United States. The question, what was “*territory properly included in and rightfully belonging to the Republic of Texas,*” was to be adjusted by this Government and Mexico.

Thus far, then, the boundary question was purposely left open to negotiation. But we were told the other day by the gentleman from Maryland, (Mr. McLANE,) that the constitution of the present *State* of Texas, adopted in July 28th, 1845, extended the boundary of that country to the Rio Grande in express terms, and that Congress, in its final consummation of annexation, admitted Texas into the Union with that State constitution, and thus adopted and sanctioned the Rio Grande as the boundary; and, further, that the President was bound to protect Texas to that boundary—the responsibility of all consequences, which might result, resting upon Congress, and not upon the President. Now, sir, if this were true, there would be, I admit, some force in the argument. But the gentleman, sir, is grossly mistaken in the facts. I admit that the last Congress, in admitting Texas as a State, did proceed with indecent haste. The measure was hurried through without regard to the usual forms of legislation, and without debate, under the previous question. But though a leap was then taken in the dark—though, in the peculiar and expressive language of some Western gentlemen, (who afterwards complained that in the Oregon controversy they were abandoned by their Southern brethren,) they “*went it blind*”—yet the vortex, into which they plunged, was not so dark and deep as the gentleman supposes. He is entirely wrong in his facts. The constitution of the State of Texas, adopted in 1845, *did not* declare her boundary to extend to the Rio Grande, and, in the gentleman’s *published* speech, he has modified his statement. On the contrary, that constitution, which I have now before me, declares in its preamble that it was adopted *in accordance with the provisions of the Joint Resolution of Annexation*.

And the third section, of Article XIII, of that constitution, is as follows:

“SEC. 3. All laws and parts of laws, now in force in the Republic of Texas, which are not repugnant to the Constitution of the United States, *the joint resolutions for annexing Texas to the United States*, or to the provisions of this constitution, shall continue and remain in force, as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the legislature thereof.”

All laws, then, of the former Republic of Texas were to remain in force by the constitution of the State of Texas, *except such laws as were inconsistent with the annexation resolutions*. Laws so inconsistent were not to continue in force, but were, from that time, repealed by this constitution of the State of Texas. Now, sir, I ask, what laws of the old Republic of Texas were inconsistent with the annexation resolutions? Show me, if you can, a single law of this character, except one, and that one was the act, passed by the Texan Congress in 1836, extending the boundary of Texas to the Rio Grande; and thus, if allowed to remain in force, annulling that clause in the annexation resolutions which provided that *the boundary question should be settled by the Government of the United States*. I shall give, in another part of my remarks, some facts with regard to the character of the act of the Republic of Texas, passed in 1836, which extended the boundary to the Rio Grande, and was thus repealed by the constitution of the State of Texas, as being repugnant to the annexation resolutions. I cannot dwell upon it in this place. The State of Texas, in forming a constitution with the view of coming into this Union, was not guilty of the folly of risking the success of their favorite measure, by refusing to consent that the boundary line, between Texas and Mexico, should be settled by the United States Government. No sir, they had previously, in point of fact, abandoned all claim to the Rio Grande. They never had possession up to that river, and their claim to it was virtually abandoned long before. In proof of this, permit me to read an extract from a letter from our Chargé d’Affaires, at Texas, (Mr. Andrew Jackson Donelson,) to Mr. Buchanan, (Secretary of State,) dated Texas, July 11, 1845. He says:

"The proclamation of a truce between the two nations, (Texas and Mexico,) founded on propositions mutually acceptable to them, leaving the question of boundary not only an open one, but Mexico in possession of the east bank of the Rio Grande, seemed to me inconsistent with the expectation that, in defence of the claims of Texas, our troops should march immediately to that river. What the Executive of Texas *had determined not to fight for*, but to settle by negotiation, to say the least of it, could as well be left to the United States on the same conditions."

The question of boundary, then, was by Texas "not only left open," but the President had information that "Mexico was in possession of the east bank of the Rio Grande." It was then eminently proper, when Texas, as a State, adopted a constitution preparatory to her proposed admission into our Union, that the laws of the Republic of Texas, inconsistent with the annexation resolutions, should be considered no longer of binding validity. She came into our Union, if not abandoning her claim to the boundary of the Rio Grande, at least leaving it open for negotiation. She came with the express understanding, both on her part and on ours, that the settlement of the boundary question was one which the General Government must undertake; and that it was not for Texas, much less for the President of the United States, to attempt its settlement.

I think I have proved, sir, that we took Texas, at least, with an uncertain western boundary. The boundary of Texas proper—the old department of Texas—is admitted on all hands to have been the Nueces river. If it was to be extended farther west, the question of boundary thus raised was, by the annexation resolutions, to be settled with Mexico by the Government of the United States. The whole question was thus left open to negotiation; all was "as broad and general as the casing air." And there was far more reason for negotiation in the case of Texas, than in the case of Oregon. Mexico was in possession of the disputed territory, (if it was then even disputed by us;) Mr. Donelson so declares in his letter just referred to. She had been in possession ever since her independence. She had military posts there, as I shall show, of which she was in undisturbed possession. The soil had been declared by Mr. BENTON, and other distinguished Senators, to be rightfully hers, and *for that reason* the Senate had rejected a treaty annexing this territory east of the Rio Grande to our Union. It was no part of the department of Texas, but was a part of the departments of Coahuila and Tamaulipas, and New Mexico. Oregon, on the contrary, the President had declared to be ours, by a "clear and unquestionable" title, to the latitude of 54° 40'. I repeat, therefore, there was far more reason why we should negotiate with regard to our title to the country on the east bank of the Rio Grande, than in the case of our title to Oregon. Yet the President did not see fit to take forcible possession of the "whole of Oregon." No, sir; he chose to negotiate with Great Britain. Had he pursued the same course with Oregon, as with the country of the Rio Grande, had he marched an army to the line he claimed, instead of leaving the question to the proper department of the Government, would any of those who now advocate his course have then attempted to defend it? Could a similar line of conduct in that case have been justified? No. He ventured to take no such course with regard to Oregon; he left that boundary question just where he should have left this. Knowing, as he did, that the annexation resolutions were carried only with a provision that the boundary question should be left open for negotiation; knowing that Mr. Calhoun, when Secretary of State, had instructed Mr. Green to assure Mexico, that this question he was ready to settle "on terms the *most liberal*" to that republic; knowing that Mexico was in absolute, undisturbed possession of the soil—that the inhabitants there were Mexicans, and not Texans—and that Texas never had exercised any actual jurisdiction over the territory; by what authority did he, while Congress was in session, assume the decision of the question, and take possession of the disputed ground with an army of the United States?

But it has been said that negotiation had been tried, and had failed; that the President had done every thing in his power to settle the question by negotiation, and that it was not until all these efforts failed that he resorted to extreme measures. I say, sir, it was not for him to judge when "*extreme measures*" should be resorted to, or what they should be. That was a question for Congress, and Congress alone. The President knew full well that, when negotiations should fail, it was not a part of his duty to resort to hostilities. His duty would then have been to submit the whole case to Congress for its action. *The people of the United States*, by their representatives in Congress, were the proper authority to decide what means should be adopted on the failure of negotiation, and this the President well knew. The Constitution had not invested him with the right to involve us in the calamities of war, whenever *he* might think further negotiations would be unavailing. I have here, sir, a letter from his Secretary of State to Mr. Slidell, in which he speaks to this very point. Hear what he says on the 28th of January, 1846:

"After this, *should the Mexican government finally refuse to receive you*, then demand passports from the proper authority, and return to the United States. *It will then be the duty of the President to submit the whole case to Congress*, and call upon the nation to assert its just rights, and avenge its injured honor."

This was what the President should have done when negotiations had failed. But, sir, he did not even wait to see what would be the issue of negotiations. When he usurped the war-making power, and ordered the army of Gen. Taylor to march from Corpus Christi to the Rio Grande, *he had not heard of the rejection of our minister*, Mr. Slidell. Yet, in his message, he tells us that the march of our army did not take place "till he had received such information as rendered it probable, if not certain, that the Mexican government would refuse to receive our envoy." I ask the committee to mark the language of the President's message. There was a meaning in that peculiar language. The words have been carefully selected. He says, "*the army remained at Corpus Christi until after he received*" this information. That, sir, is true; the army did not march till the 11th of March, 1846; but when was the *order* for the march given by the President? On the 13th of January, 1846. He had *then* no knowledge that our minister, Mr. Slidell, had been rejected. He had received no such information when the order was given.

Instead of having the least reason, at that time, to suppose he had been rejected by Mexico, it is certain that nothing more than Mr. Slidell's letter of the 17th and 18th of December had been received, in which he informed Mr. Buchanan that though he might possibly be rejected, yet, that no final decision had been made, though the question of his reception had been submitted to the council of government. On the 20th of January, 1846, Mr. Buchanan acknowledges the receipt of this letter of the 17th and 18th of December, and informs Mr. Slidell, that the order of the 13th, to Gen. Taylor, to march to the Rio Grande had been given, not in consequence of the information given by Mr. Slidell of his rejection; no, sir, NOT IN CONSEQUENCE, but "IN ANTICIPATION" of such rejection.

What information did Mr. Slidell's letter of the 17th December give? Nothing more than that his rejection was possible, and hardly this, for it enclosed a letter of December 16th, 1845, from the Mexican minister of foreign relations, Mr. Pena y Pena, to Mr. Slidell, giving the reason of the delay in deciding with regard to his reception. This letter of Mr. Pena y Pena, which was enclosed in Mr. Slidell's letter of the 17th and 18th December, is as follows. It shows that Mr. Slidell's rejection was not then even probable:

Mr. Peña y Peña to Mr. Slidell.

PALACE OF THE NATIONAL GOVERNMENT,

Mexico, December 16, 1845.

The undersigned, minister of foreign relations, in answer to the letter which his excellency Mr. John Slidell was pleased to address to him yesterday, has the honor to inform him that the delay in his reception, to which he alludes, and the consequent delay in answering his preceding note, making known his arrival in this capital, and accompanying a copy of his credentials, *have arisen solely from certain difficulties*, occasioned by the nature of those credentials, as compared with the proposition made by the United States, through their consul, to treat peacefully upon the affairs of Texas, with the person who should be appointed to that effect; *for which reason it has been found necessary to submit the said credentials to the council of government*, for its opinion with regard to them.

The undersigned will communicate the result to his excellency without loss of time; assuring him meanwhile that the government of Mexico is *ready to proceed agreeably to what it proposed in its answer on the subject*.

The undersigned avails himself of this opportunity to offer to his excellency Mr. Slidell the assurances of his very distinguished consideration.

MANUEL DE LA PENA Y PENA.

HIS EXCELLENCY JOHN SLIDELL, &c., &c.

This hardly proved Mr. Slidell's rejection probable. On the contrary, the difficulty seemed to be a mere matter of form, which could be easily obviated, for he says, "*the Mexican government is willing to proceed agreeably to what it proposed in its answer on the subject*," that is to say, receive Mr. Slidell *as a commissioner*.

There is nothing, therefore, in the correspondence of the 17th and 18th of December, 1846, which rendered Mr. Slidell's rejection at all certain, unless it were contained in the decision of the council of government on the question of his reception, mentioned in the postscript of Mr. Slidell's letter, dated December 18; that postscript was as follows:

"P. S.—December 18, 1845, the moment I was about to close this, I obtained the dictamen of the council of government, published in the Siglo (newspaper). I send you the paper."

Mr. Slidell, it seems, then sent to Mr. Buchanan the decision of the council of government, in a Mexican newspaper called the Siglo. I have a great curiosity to see that paper. It is not given among the documents. How shall we ascertain what it was? Did it advise Mr. Slidell's rejection? Was it that from which Mr. Polk learnt, for the first time, that Mr. Slidell was to be rejected? No, sir; it did not advise his rejection. Most fortunately, Mr. Chairman, I am able to give you the contents of that document—this celebrated "dictamen" of the Mexican council of government. In Mr. Buchanan's letter of the 20th January, 1846, to Mr. Slidell, he tells us what was this "*decision of the council of government*"—this *dictamen*. He says, "*the advice of the council of government is in the same spirit: THEY DO NOT advise the Mexican government to refuse to receive you*," &c.; and goes on to say that the difficulty was, that Mr. Slidell was a full minister and not a special commissioner. And yet, sir, if you will turn to the annual message at the opening of the 29th Congress, 2nd session, you will find that the President there says, that this decision of the council of government did advise Mr. Slidell's rejection. Which of them shall we believe; Mr. Buchanan asserts the fact to be one way; Mr. Polk flatly contradicts him, and declares it to be directly the contrary. Which was right? I am inclined to think Mr. Buchanan was right, for the reason that he was writing to Mr. Slidell, whom he had no motive to deceive, and who already knew

what the decision in fact was. But the President and his Secretary must settle this question of fact between themselves.

I have said, sir, that on the 13th day of January, 1846, when the President ordered the army to march to the Rio Grande, Mr. Slidell's letter, informing the State Department of his rejection, had not been received. On the 27th of December, 1845, Mr. Slidell wrote this letter to Mr. Buchanan, enclosing to him the first refusal of the Mexican government to receive him. When was this letter received? It so happens that this letter, containing the decision of the Mexican government with regard to Mr. Slidell, is the only one, the date of the receipt of which we are able to show from the documents before us. Fortunately, we do know when this was received. On the 23d day of January, 1846, Mr. Buchanan writes to Mr. Slidell, "your despatches of the 27th and 29th of December last were received at this Department on the 23d inst." That fact, then, is fixed. Yet the President had ordered Gen. Taylor to march from Corpus Christi to the Rio Grande on the 13th, ten days before he received an intimation that our Minister had been rejected. Yet he tells us the army did not march; that it "*remained at Corpus Christi*" till after he had received information from Mexico. By using this form of language, did he intend to deceive us? Could this particular phraseology have been intended to produce a false impression?

Certain it is, that whatever the President may say of the time when the army actually marched, he *ordered* Gen. Taylor to advance, long before he heard that our minister had been rejected. He did not hear of the rejection of Mr. Slidell till the 23d of January. The order was issued on the 13th of January previous; and the giving such an order, under the circumstances, was, in my judgment, such an act of usurpation as renders him liable to the severest censure. It was an assumption of the war power, and was the cause of the vast expense of treasure and of blood which this war has occasioned.

Mr. RHETT (of South Carolina) here interposed with a question as to dates.

Mr. DIXON replied. I assure the honorable gentleman from South Carolina that I have been extremely careful and guarded in what I have stated; and I repeat, that there is no evidence that the President had received the slightest hint from Mr. Slidell of the fact of his rejection, till ten days after the order to march to the Rio Grande was given. But if the gentleman from South Carolina, or any one who hears me, still doubts with regard to this, I beg to refer him to Mr. Buchanan's letter to Mr. Slidell of the 20th January, 1846. Instead of putting the order to Gen. Taylor to march from Corpus Christi on the ground of this rejection, Mr. Buchanan says: "In the mean time the President, IN ANTICIPATION of the final refusal of the Mexican Government "to receive you, *has ordered* the army of Texas to advance, and take position "on the left bank of the Rio Grande." The President and his friends say this order was *in consequence* of the rejection. Mr. Buchanan, his Secretary of State, says it had already been given by the President, in *anticipation* of that event.

But, sir, even the rejection of Mr. Slidell by the Mexican Government, of which Mr. Buchanan, and the President, received information on the 23d day of January, 1846, (ten days after the date of that fatal order, which, as predicted at the time by Mr. Calhoun, precipitated the nation into war)—I say, this rejection of Mr. Slidell was not final. The President still had reason to believe that our minister would be received, as I shall proceed to show. And I venture here to ask the attention of the committee to dates, which are of the utmost importance. We are told that negotiation had failed—that peaceful means had been exhausted before the President resorted to extreme measures. Yet, can you believe, sir, that on the 28th day of January, 1846, after Mr. Slidell's letter of the 27th December had been received here, Mr. Buchanan

writes: "You should wait patiently for a *final decision* on the question of your reception, unless it should be unreasonably protracted, or you should clearly discover that they are trifling with this Government."

"*Wait patiently for a final decision!*" I am right, then, in saying, that the decision before given was not considered *final*. Negotiation was not abandoned; peaceable means had not been exhausted on the 28th of January; yet the army was ordered into the disputed territory on the 13th of the same month!

But look further. Mr. Slidell continued in Mexico. (Not in the city, but in Jalapa.) As late as the first of March, 1846, he wrote to Mr. Buchanan as follows:

"My letters from Mexico speak confidently of my recognition," &c. "If I should now be received, I think that my prospects of successful negotiation will be better than if no obstacles had been opposed to my recognition in the first instance."

Yet gentlemen have told us that on the 13th of January previous all negotiation had failed!

But, Mr. Chairman, the documents of this House furnish us with proof that the President of the United States had *peculiar* reasons for believing that Mexico would be willing to negotiate, and would finally consent to receive our minister. I think I can satisfy you that he knew that peaceable means had not been exhausted, and that war with Mexico was not necessary. Mr. Slidell gave him a piece of information which assured him, if he had before entertained doubts on the subject, that the resumption of negotiations with Mexico was not only probable, but nearly certain. This information was contained in a letter from Mr. Slidell, dated February 6, 1846, from which I read the following:

"Since my despatch of the 14th ultimo nothing has occurred to indicate the course likely to be pursued by the existing government as to my reception, but I think it will mainly be controlled by the aspect of the Oregon question. *Should our difficulties with Great Britain continue to present a prospect of war with that Power*, there will be but a faint hope of a change of policy here."

In other words, Mr. Slidell tells him, that his own reception would depend on the President's settlement of the Oregon question. If that question should be settled peaceably, he would be received; but if we should become involved in war with Great Britain, he would be rejected. Now, sir, the President perfectly well knew at that time, as well as afterwards, that he did not mean to have a war with England. The illustrious and venerable gentleman from Massachusetts (Mr. ADAMS) made a prediction on this floor, during the debate on the Oregon question, which the President knew full well would prove true. He predicted that we should have no war with England on the Oregon question; for, said he, "either the British Government or Mr. President Polk will *back out*." The President very well knew that he himself would "*back out*," if England did not, as the gentleman from Massachusetts had predicted. He had no intention of fighting Great Britain. He very well knew that he would abandon all to which he had said our title was "clear and unquestionable." He knew that he would sign a treaty with Great Britain, giving her all she demanded; as Mr. Pakenham said in his despatch, "without the change of a word or a letter." Knowing this, I repeat, he had peculiar reasons for believing that Mexico would be inclined to peace, since it was the opinion of Mr. Slidell that the renewal of negotiations depended on the result of the Oregon question. He knew there was still ample room for negotiation. Gentlemen on the other side of this House have fallen into a great mistake when they have claimed that the President did not proceed to extreme measures till all negotiation was

at an end. Negotiation was not at an end. On the contrary, the final rejection itself of Mr. Slidell, which took place on the 12th of March, 1846, two months after the order of January 13th to march to the Rio Grande, was put by Mexico, in part, on the ground that our "invading forces were advancing by her northern frontiers," "at the same time that, by our minister plenipotentiary, propositions were made for conciliation and accommodation." Mr. J. M. De Castillo y Lanzas, the then Mexican minister of foreign relations, says, in giving the final decision of his Government, this "would be a sufficiently powerful reason for not listening to propositions for conciliation and accommodation."

Thus it appears, Mr. Chairman, by the documents with which the President of the United States has furnished this House, that while negotiations were pending, with a fair prospect of a peaceful termination of the difficulties between this country and Mexico, the President, before he had received information of Mr. Slidell's rejection, without "submitting the whole case to Congress," (as Mr. Buchanan declared it his duty to do,) although then in session, cut short all negotiation with the sword, and, by his own unauthorized, unconstitutional act, precipitated this country into war.

But it is said by the friends of the President that the order of the 13th of January, 1846, under which our army marched to the Rio Grande, was given by the President of the United States upon the advice of General Taylor. Probably this defence is more relied on by the friends of the President than any other. We were told the other day, by some gentleman, in the course of debate, that the Whigs were afraid to go into the next presidential contest upon their own principles, but were endeavoring to "skulk behind General Taylor." This charge comes with an ill grace from men who themselves are afraid to rest the conduct of the President on its own merits. *They would "skulk behind General Taylor;"* but even there they will not be out of danger. I shall examine this point, sir, and I ask your attention, while I show what was the character of the advice given by Gen. Taylor to the President. Let us see whether, in ordering our army to march into the enemy's country, Mr. Polk *pursued* the advice given him by that distinguished General. And here I must again refer to public documents.

On the 15th day of June, 1845, orders were sent to Gen. Taylor to proceed to Texas. Mr. Bancroft (acting Secretary of War) in those orders gives him this information, viz:

"The point of your ultimate destination is the western frontier of Texas, where you will select and occupy, on or near the Rio Grande del Norte, such a site as will consist with the health of our troops, and will be best adapted to repel invasion, and to protect what, in the event of annexation, *will be our western border.*"

Again, in the same letter, he says: "Your preparations to embark to the western frontier of Texas [which he had said, in the first extract just read, was on or near the Rio Grande] are to be made without any delay;" but he was directed, at the same time, not to land on that frontier (the Rio Grande) till he ascertained the acceptance by Texas of the terms of annexation. As soon as he heard of that event, he was at liberty, under this order, to take position on or near the Rio Grande.

Again, July 30th, 1845, Mr. Marcy, Secretary of War, writes:

"The Rio Grande is claimed to be the boundary between the two countries, and up to this boundary you are to extend your protection, only excepting any posts in the actual occupation of Mexican forces, &c. It is expected that, in selecting the establishment for your troops, you will approach as near *the boundary line—the Rio Grande*—as prudence will dictate."

Now, sir, these were the orders under which General Taylor was acting when he wrote the letter of October 4th, 1846, in which it is said he advised the march of our army to the Rio Grande. He had been already told that he was to approach "as near the Rio Grande as prudence would dictate"—that his ultimate destination was the Rio Grande, &c. What, then, does Gen. Taylor write on the 4th of October? He begins his letter by reminding the Department that "the instructions of June 15, (1845,) issued by Mr. Bancroft, directed him to select and occupy, on or near the Rio Grande, such a site as will consist with the health of the troops, and will be best adapted to repel invasion," &c.; and he adds, that "Point Isabel (twenty-one miles from Matamoras) would have fulfilled, more completely than any other position, the conditions imposed by the Secretary." He then gives his reasons for not occupying that point. He says: "We had no artillery, no engineer force or appliances, and but a moderate amount of infantry; and the occupation of Point Isabel, under these circumstances, and with at least the possibility of resistance from the Mexicans, might have compromised the safety of the command," &c. He then, after some further remarks, goes on to give what is relied on as *the advice of Gen. Taylor*, as follows:

"For these reasons, our position thus far has, I think, been the best possible; but now that the entire force will soon be concentrated, it may well be a question whether *the views of Government will be best carried out by our remaining at this point*. It is with great deference that I make any suggestion on topics that may become matters of delicate negotiation; but **IF OUR GOVERNMENT**, in settling the question of boundary, makes the line of the Rio Grande an ultimatum, I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of one or two suitable points on or quite near that river," &c.

What does Gen. Taylor here say? He fears that, by remaining at Corpus Christi, he may not carry out "the views of the Government." He had been told that the Administration meant to insist on the Rio Grande as our western boundary. *If* that was still their determination—*if* the line of the Rio Grande was to be the ultimatum—then, in that hypothetical case, he advised the march of the army. But, sir, was the Rio Grande to be the ultimatum? That was a question to be settled by negotiation, in which the treaty-making power was to be heard; and so it was declared in the annexation resolutions. Mr. Polk, however, saw fit to decide the question without consulting the Senate.

This, sir, is the advice given by Gen. Taylor, on which the friends of the President rest his defence. They say that, when he gave the fatal order of January 13, 1846, he acted upon the advice of General Taylor. Now, sir, let me expose to you the abominable fraud, the gross deception of this defence. Would you believe it possible, sir, if you did not know the fact, that this advice of General Taylor, on which it is said the President acted, was, on the 7th day of November, 1845, more than two months before the order of January 13th, 1846, fully, entirely, and explicitly retracted by Gen. Taylor—and retracted expressly on the ground of Mr. Slidell's mission, by which negotiations were resumed? Yet so is the fact. Do the champions of the President publish to the world this fact? No, sir, they conceal it; their constituents will never learn it through them. The gentlemen who have spoken on this subject on the other side have studiously concealed this important fact. They say the President acted on the advice of Gen. Taylor. That advice, hypothetical and conditional as it was, was retracted on the 7th of November, 1845—and was, on the 13th of January, 1846, as if it had never been. It was not, at that time, Gen. Taylor's advice. On sober second thoughts, he modified his opinion; and those who say that Mr. Polk's course was justified by Gen. Taylor's judgment, do rank injustice to that distinguished officer. Here

is his letter, dated Corpus Christi, November 7th, 1845. I ask your attention to the following extract, in which he retracts the opinion expressed in the letter of October 4:

"The communication from the Secretary of War (says Gen. Taylor) dated October 16 was received and acknowledged on the 1st and 2d instant. I purposely deferred a detailed reply to the various points embraced in that communication, until I could receive an answer to mine of October 4th, which covered, at least in part, the same ground. The intelligence from Mexico, however, [of Mr. Slidell's mission,] *tends to modify* in some degree the views expressed in that communication, (of October 4.) *The position now occupied by the troops* (Corpus Christi) *may perhaps be the best* while negotiations are pending, or, at any rate, until a disposition shall be manifested by Mexico to protract them unreasonably. Under the supposition that such may be the views of the Department, I shall make no movement from this point, except for the purpose of examining the country, until further instructions are received."

This letter, written on the 7th of November, 1845, was received here long before the 13th of January, 1846. It retracted the opinion expressed in the letter of October 4th. When the letter (of October 4th) was written, General Taylor did not know that negotiations were to be renewed. We had then no minister in Mexico. But now, November 7th, he had heard that Mexico had consented to receive a commissioner. Indeed, in this very letter of the 7th of November, he encloses Com. Conner's letter giving our Government information of the fact that he had, in consequence of the renewal of negotiations, withdrawn our naval force from before Vera Cruz. The fact that negotiations were thus renewed "*modified the views*" he had before expressed. He did not deem it proper, under the circumstances, to advance his army to the Rio Grande, but thought "the position then occupied by his troops was the best while negotiations were pending, or, at any rate, until a disposition should be manifested by Mexico to protract them unreasonably." The President, on the contrary, on the 13th of January, 1846, ordered him to advance, *while* negotiations were pending, and *before* Mexico had shown a disposition to protract them unreasonably; for Mr. Slidell reached Mexico on the 8th of December, 1845, and in a little more than one month, and before he heard of Mr. Slidell's rejection, viz., on the 13th of January, 1846, the fatal order was given. Yes, sir, this order was given while negotiations were pending, and before Mexico had shown a disposition to protract them unreasonably, *in spite* of the advice and opinion of Gen. Taylor, as expressed in his letter of November 7th. Yet the friends of the President, concealing this last named letter, dare to tell the country that he acted by the advice of General Taylor. Sir, they cannot "skulk behind" that advice. It was only conditional, in the first instance; it was fully withdrawn, and other and better advice given in its place—advice which should have been followed by the President. He committed an error, the responsibility of which he alone must bear. If it brought on this war—if it has cost our country the lives of thousands of her citizens—if it has carried mourning and despair to the bereaved hearts of thousands of widows and orphans, on him alone rests the responsibility. He cannot divide the awful burden, but must bear it alone.

But take another view of this point. Admit, if you please, that Gen. Taylor advised the march of the army to the Rio Grande. How does this help the President? Congress—the war power—not the President, was the *proper judge of the expediency* of such an act of hostility. Gen. Taylor, of course, said nothing on this point. Whatever he advised had reference to the policy of the measure, not to the branch of the Government by whom it should be decided. If it was the design of the Administration to make the Rio Grande an ultimatum, and if it was believed that taking forcible possession of the territory in dispute would strengthen our claim, and thus aid negotiation, did such a design,

and such a belief, confer any new constitutional powers on the President, and authorize him, without the consent of Congress, to invade territory in the actual possession of Mexico, and thus involve the country in war? No, sir; if the President had been convinced by Gen. Taylor, or any other person, that it was expedient to take forcible possession of the territory he intended to claim, he should have applied to Congress for authority. He chose, however, to usurp the war-making power.

I have proceeded thus far on the ground that the east bank of the Rio Grande, to which the army was ordered by the President to advance, was *disputed territory*, claimed by the United States and Mexico, our right being, by the annexation resolutions, left open to be settled by the treaty-making power of this Government in negotiation with Mexico. I have not, as yet, intended to express any opinion as to the validity of our title to the east bank of the Rio Grande, at the time the war broke out. It has thus far been my effort to show that, if we had a title which was in dispute, the President had no right to settle the dispute by force of arms. But, sir, if our title to that country was not valid—if it was utterly unfounded, a mere groundless claim, and known so to be—if the country on the east bank of the Rio Grande was as much a part of Mexico as the city of Mexico itself, what shall we say of the course of the President? If such were the fact, he had no more right to march our armies into that country, without the authority of Congress, than he had to advance with an armed force into South America. In all our cases of disputed territory with other nations, it has always been conceded that it was no part of the President's duty to take possession, by force, of the territory in dispute. In the case of posts held by Great Britain after the Revolutionary war, our title to which she did not pretend to dispute, but which she held, acknowledging them to be ours, by way of redress for injuries she claimed to have suffered from us, the *title* was not in question. Those posts—acknowledged to be in our territory, and the title not being disputed—President WASHINGTON ordered General Wayne to take possession of with an armed force; and, in so doing, Gen. Wayne stated to the British commander, that the ground in question was the “well known and ACKNOWLEDGED territory of the United States.” But in all cases where territory has been *disputed*, it has been acknowledged, on all hands, that it was not the constitutional right of the President to take forcible possession, and settle the controversy with the sword, but that he should invoke the aid and counsel of a co-ordinate branch of the Government—the Senate. So it was with the question of the Northeastern boundary. So it was in the Oregon controversy, in which, though our right was declared by the President to be “clear and unquestionable,” he, *in advance*, asked the opinion of the Senate. So it has always been; and when forcible possession has been taken of *disputed* territory, it has been done by authority of Congress, as in the case of the line of the Perdido. But if it appears that we had no title to the country on the Rio Grande, what will be the position of the President? I propose, sir, to examine this point. And here, sir, I am aware I am approaching dangerous ground. I know, full well, that if a member of this House honestly believes that, at the time of the annexation of Texas, the country on the east bank of the Rio Grande was not “American soil,” that it was no part of Texas, and therefore became no part of the United States, and dares to express this belief, he will be instantly denounced as a traitor. I have no fear of such denunciations—none at all. I represent constituents who think what they please, and dare to speak what they think; and I should be unworthy to represent them, if I should hesitate here to declare my honest convictions. We have been told, sir, not only in partisan newspapers, but in a Presidential message, that those who doubt our title, by the annexation of Texas, to the east bank of the Rio Grande, and express that doubt, are guilty of giving “aid and comfort” to the enemy. Why is that charge not

repeated in the last annual message of the President? Is it because he sees its gross impropriety, and has grown more respectful to Congress? I think not, sir. I think it is because he has been stung to the quick by the reproaches which, in reply to his accusation of giving "aid and comfort to the enemy," have been heaped upon his own head, in this House, and elsewhere throughout the country. He, sir, cannot escape the consciousness that he has himself given more aid and comfort to the enemy, than any man now living. Here, sir, is the weapon, short and sharp as a dagger, with which the Secretary of the Navy, by order of the President, stabbed his own country, and gave aid and comfort to the enemy:

[*Private and confidential.*]

"U. S. NAVY DEPARTMENT, May 13, 1846.

COMMODORE: If Santa Anna endeavors to enter the Mexican ports, you will allow him to pass freely.

"GEORGE BANCROFT."

"Commodore DAVID CONNER, *Commanding Home Squadron.*"

I cannot dwell on this; but I have seen, in the papers brought by the last arrival from England, a letter written by this same Mr. Bancroft, now our minister at the Court of St. James, in which, by order of the President, he demands the dismissal from the British service, of the naval officer who conveyed Paredes into Vera Cruz. Lord Palmerston, in reply, assures Mr. Bancroft that the officer should be suspended from his command. Now, sir, when Mr. Bancroft wrote that letter to Lord Palmerston, do you suppose his pass to Santa Anna occurred to him? It was a coincidence not a little remarkable, that the very man who, by order of the President, admitted Santa Anna, should be the instrument of the same President in demanding the punishment of a British officer for admitting Paredes. Did the President mean to claim a monopoly of admitting Mexican officers into Mexico? Did he mean to monopolize the business of giving "aid and comfort?" Or did he really think that the bringing in of Paredes was so great an injury to this nation, that the British officer, by whom it was done, should be discharged by his government from command? If so, why is not the admission of Santa Anna equally good reason why an American President should be found worthy of the same condemnation? I might call on the American people to discharge the President from office (should he be a candidate for re-election) for admitting Santa Anna, as he demanded the discharge of the British officer who admitted Paredes.

I find, among those who give aid and comfort to Mexico, by denying our title to the east bank of the Rio Grande, so many distinguished members of the Democratic party, that I have little fear of suffering in such good company. If they are traitors, let their own political friends condemn them. I shall quote their opinions, given when they had no interest in concealing the truth. I call them as my witnesses, to prove that the soil on which blood was first shed in this war, was not "American soil." The first I shall introduce is a gentleman whom I shall mention with the utmost respect. I mean the former chairman of the Committee on Foreign Affairs, (Mr. C. J. INGERSOLL, of Pennsylvania;) a gentleman whose opinions come with great weight—whose opinions upon any question are entitled to great consideration. The views expressed on this floor by that gentleman, occupying that official situation in the House, are matters of history; they may be called a part of the *res gesta*, and, as he may be presumed to have presented our extreme claims, are evidence against us. They were given in the strong and peculiar language which that gentleman is accustomed to employ—language striking, powerful, full of meaning, and highly attractive to all who hear him on this floor. The part of his speech I allude to, will be recollected in a moment by every gentleman who heard it, and by many who did not, but have seen it in print. It was as follows:

"The territorial limits are marked in the configuration of this continent by an Almighty hand. The Platte, the Arkansas, the Red, and the Mississippi rivers, without counting great, though minor streams, in that vast terraqueous region of cotton, sugar, lead, and other mighty staples which have, in a few years, kept pace with steam itself in marvellous development—those rivers are naturally our waters, with their estuaries in the bay of Mexico.

"The stupendous deserts between the Nueces and the Bravo rivers are the natural boundaries between the Anglo-Saxon and the Mauritanian races. There [in that desert] ends the valley of the West. There Mexico begins. Thence beyond the Bravo begin the Moorish people and their Indian associates, to whom Mexico properly belongs, who should not cross [what? the Bravo? No, but] that vast desert [between the Bravo and the Nueces] if they could, as, on our side, we too ought to stop there, because interminable conflicts must ensue, either on our going south or their coming north of that gigantic boundary. While peace is cherished that boundary will be sacred. Not till the spirit of conquest rages will the people on either side molest or mix with each other; and, whenever they do, one or the other race must be conquered, if not extinguished."

"To Mexico we offer explanation for our incorporation of Texas—explanation which she will be satisfied with. I shall refrain from argument—from arguing the extent of that explanation. Although the public correspondence between the two North American Republics has become angry, I am happy to be authorized to assure this House that those best acquainted with the true state of things apprehend little or no danger of war. The main sinew of war (money) will heal the breach and the controversy amicably. It affords me great satisfaction to state that hostilities are not probable with Mexico."

He thus told us that there existed between the Nueces and the Bravo (otherwise and more frequently called the Rio Grande del Norte, or the Rio Bravo del Norte) stupendous deserts, which formed a natural boundary between the Anglo-Saxon and the Mauritanian races, and that whichever of them should cross [not the Rio Grande, but] that desert, would either conquer or be conquered by the other; that *peace was secure* so long as that desert was not crossed, and that it never would be, till the spirit of conquest was raging in one country or the other. Sir, the gentleman was right—the spirit of conquest *RAGED* in the cabinet councils of this Government, when the order was given to Gen. Taylor to cross that desert. The gentleman seems to have been inspired; he must have had the spirit of prophecy. While thus treating of events yet future, he was in reality writing history, and facts have justified every word he uttered. I wish what he afterwards said had been equally true. He said that money would settle the question; there was no danger of bloodshed; money—money would do every thing. But he was in this mistaken. He did not know, he could not anticipate, the utter madness and folly which would rule the hour. He could not foresee that, while negotiations were pending "to heal the breach, and end the controversy amicably," the President, with "the spirit of conquest *raging*" in his bosom, would, with an armed force, cross the desert which he declared a "sacred boundary" between Texas and Mexico, and thus begin "an interminable conflict." The gentleman undoubtedly would have settled the controversy amicably. So could any man in his senses, who was endowed with an ordinary degree of human wisdom. But our President—the model President, as he is called—first involves us in war, and afterwards asks for money which might have prevented the war, to purchase peace.

But the honorable member from Pennsylvania is not the only traitor. There is another not less distinguished than he. Probably gentlemen anticipate me when I say that I have reference to an eminent Senator from Missouri, (Mr. BENTON.) No one will contradict me when I affirm, that there exists not in our country a man better, or so well, acquainted with the entire question of the

boundary between Texas and Mexico. He wrote upon it, as he is rather fond of telling the Senate, twenty years ago, under the signature of La Salle. What does he say? He opposed the Tyler treaty of annexation in 1844, because it included the territory on the east bank of the Rio Grande. His language is so strong, that were I to use any thing like it, I should be branded as a traitor of the deepest dye. Hear him. He says:

"The treaty (of annexation) in all that relates to the boundary of the Rio Grande, is an act of *unparalleled outrage* on Mexico. It is the seizure of *two thousand miles of her territory*," &c. "I wash my hands of all attempts to dismember the Mexican republic by seizing her dominions in New Mexico, Chihuahua, Coahuila, and Tamaulipas."

"The real Texas which we acquired by the treaty of 1803, and flung away by the treaty of 1819, never approached the Rio Grande, except near its mouth."

Mr. B. closed his speech by offering the following resolution:

"Resolved, That the incorporation of the left bank of the Rio del Norte into the American Union, by virtue of a treaty with Texas, comprehending, as the said incorporation would do, a portion of the Mexican departments of New Mexico, Chihuahua, Coahuila, and Tamaulipas, would be an act of direct aggression upon Mexico, for all the consequences of which the United States would stand responsible."

With equal truth it may be said, that for all the consequences of the seizure of the same territory by the President, he alone stands responsible.

Afterwards, the treaty having been rejected by the Senate on the ground, mainly, that the title of Texas did not rightfully extend to the Rio Grande, Mr. BENTON brought in his bill to annex "the real Texas" to this Union. That bill thus described the boundaries of Texas:

Extract from Mr. Benton's bill to provide for the annexation of Texas to the United States.

"1. The boundary of the annexed territory to be in the desert prairie west of the Nueces, and along the highlands and mountain heights which divide the waters of the Mississippi from the waters of Rio Bravo del Norte, and to latitude 42° north."

In his speech on this bill, he said: "The Rio Grande del Norte is a Mexican river *by position and possession*, and to the Mexicans may it ever belong." And speaking of the western boundary of Texas, he says "it is a line in the desert prairie to the west of the river Nueces. This is the boundary between the United States and Mexico, pointed out by the finger of nature, agreed upon by eminent statesmen as proper for Mexico as for ourselves, and written down in the book of fate, and the law of nature, as the true and permanent boundary between the two first powers of the new world. Soon or late that boundary will be established."

Was Mr. BENTON right? He declares that the territory on the left bank of the Rio Grande is not "*American soil*"—it is Mexican soil. He says it is not ours—it is hers. He affirms that the boundary lies not in the river, but in the desert—"the stupendous desert"—between the Nueces and the Rio Grande. That desert President Polk ordered our army to cross in time of peace. And are we to be told that what was Democratic truth when Mr. BENTON spoke, is now Whig falsehood? Because the President usurped our power to take possession of that territory, must we therefore say it is "*American soil*?"

But there are other traitors, and my witnesses end not here. I have more, and not less distinguished. The Hon. Silas Wright—the late lamented Senator from New York—in giving the reasons to his own constituents why he voted against the treaty of annexation, stated as a principal one that the Texas to be annexed overran the Mexican soil. Here are his words: "I felt it my duty to vote against the ratification of the treaty for the annexation. I believed that

the treaty, *from the boundaries that must be implied from it*, embraced a country *to which Texas had no claim, over which she had never asserted jurisdiction, and which she had no right to cede.*" Now, will gentlemen tell us that Silas Wright was ignorant of the question? That he did not understand the subject? Or will they take the other horn of the dilemma, and say he was a traitor, and belied his knowledge of the truth? Are we not safe in following such an authority?

But I have yet further witnesses. I have one whom gentlemen on the other side will hardly venture to accuse either of ignorance or treachery. It is the honorable Secretary of War himself. He has given us another proof that the east bank of the Rio Grande was not American soil when hostilities commenced. On the 8th day of July, 1845, he wrote to Gen. Taylor as follows:

"SIR: This department is informed that Mexico has some military establishments on the *east side* of the Rio Grande, which are and for some time have been in the actual occupancy of her troops. In carrying out the instructions heretofore received, you will be careful to avoid any acts of aggression, unless an actual state of war should exist. *The Mexican forces at the posts in their possession*, and which have been so, will not be disturbed, as long as relations of peace between the United States and Mexico continue.

W. L. MARCY."

Military posts in possession of the Mexicans "not to be disturbed!" Why not? Military posts, in possession of a foreign nation, upon "*American soil!*" How came they there? Had they invaded this American soil? No—they had "for some time" been in the occupancy of these posts, says Secretary Marcy. In fact they had always been in such occupancy, and their presence was thus acknowledged to be rightful. It did not affect the "peaceful relations between Mexico and the United States." Could this have been so if the soil had been that of the United States? Permanent military occupation of "*American soil,*" by the troops of a foreign nation, consistent with "relations of peace!" No, sir, the Secretary is guilty of no such absurdity. He knew it was *not* American soil, otherwise his order would have been unjustifiable. He knew the Mexican forces, occupying these posts, were not invaders. They were occupying their own territory; and General Taylor, in reply to these instructions, writes to the Department that "he had assured the Mexicans, *living on this side of the Rio Grande*, that they would be protected in all their *rights and usages!*" Yes, sir, they had occupied that soil so long, that they had acquired "*rights*" by possession, and had contracted "*usages.*" "*Rights and usages!*" Mexicans on our soil having "*rights and usages*" which are to be protected, and occupying military posts which are not to be disturbed! And yet the President tells us this soil, on which the first blood was spilt, was "*American soil!*"

I have more testimony. What did Gen. Taylor write to this same Secretary of War? He tells him that as he approached Point Isabel with his army, the Mexicans fired their buildings, and that he considered this "an act of hostility." I agree with him: it was unquestionably an act of hostility; such an act of hostility as that of the Russians when they fired Moscow on the approach of Bonaparte. Yet, we are told by the President, that all this soil was ours.—Mexicans occupied it, Mexican military posts were on it, and had long been there, and the Mexican inhabitants, on the approach of our army, *fired their dwellings and fled in terror.* Yet we are now required to believe it was American soil, and that when the Mexican troops came there it was an act of invasion, and justified the war!

But I must hasten on. In addition to these proofs, I call your attention to opinions expressed by agents of this Government, prior to the commencement of hostilities.

Mr. Andrew Jackson Donaldson writes to Gen. Taylor, under date of 28th June, 1845, as follows:

"Corpus Christi is said to be as healthy as Pensacola, a convenient place for supplies, and is *the most western point now occupied by Texas.* * * *

"The occupation of the country between the Nueces and the Rio Grande, you are aware, is a disputed question. Texas holds Corpus Christi, Mexico holds the Brasos de Santiago, near the mouth of the Rio Grande."

January 2d, 1845, Mr. Donelson in his despatch says :

"Texas has as yet established no posts on the Rio Grande."

I will close this part of my remarks with one other important piece of testimony.

On the 21st day of December, 1836, General Jackson sent a message to Congress, in which he informed that body as follows :

"During the last session information was given to Congress by the Executive that measures had been taken to ascertain the political, military, and civil condition of Texas. I now submit for your consideration extracts from the report of the agent, who had been appointed to collect it, relative to the condition of that country."

Then follow the extracts alluded to from the report of Henry M. Morfit, the agent appointed to collect information, from which I read as follows :

"The political limits of Texas proper, previous to the last resolution, were *the Nueces river on the west*, along the Red river on the north, the Sabine on the east, and the Gulf of Mexico on the south."

"The boundaries *claimed* by Texas since the repudiation of the treaty with Santa Anna will extend from the mouth of the Rio Grande on the east side, *up to its head waters* ; thence on a line due north, until it intersects that of the United States, and with that line to the Red river, or the southern boundary of the United States ; thence to the Sabine, and along that river to its mouth, and from that point westwardly into the Gulf of Mexico to the Rio Grande "

"It was the *intention* of this Government, immediately after the battle of San Jacinto, to have *claimed* from the Rio Grande, along the river to the 30th degree of latitude, and thence due west to the Pacific. It was found that this would not strike a *convenient* point on the California, that it would be difficult to control a wandering population so distant, and that the territory now determined upon would be sufficient for a young republic."

He says further :

"The convention of November, 1835, took place by writs of election issued by the provisional government, and it is said that all parts of Texas were represented in it, *from the extreme western settlement, at San Patricio on the Nueces*, to the Sabine and Red rivers."

Here it is expressly stated, by the agent of our Government appointed by General Jackson, that Texas proper extended only to the Nueces, but the Legislature of Texas, by resolution, had claimed to the Rio Grande. It was their *intention*, he says, to claim to the Pacific ocean, but on further consideration they found it would be "*inconvenient*" to go to the Pacific, otherwise they would have *resolved* themselves into the possession of California ! But suppose they had persisted in that claim. Suppose they had claimed across to the Pacific, would the President have been justified in sending an army around by sea, and taking San Francisco by way of protecting Texas ? Yet he might with as much propriety have done this, as order our troops to the Rio Grande. The resolution of Texas, that her boundary extended to the Rio Grande, gave her no more right there, than it would have given her to the Pacific, had she found it "*convenient*" to resolve that the ocean was her boundary. If any one doubts this, let him attend to an extract from the speech of the Hon. Levi

Woodbury, (now a Judge of the Supreme Court of the United States,) on the Treaty of Annexation. He said, in that speech:

"Texas, *by a mere law, could acquire no title* but what she conquered from Mexico, and actually governed. Hence, though that law includes more than the ancient Texas, *she could hold and convey only that*, or, at the utmost, only what *she exercised clear jurisdiction over.*"

I trust we shall hear no more, sir, of the resolution of Texas extending her boundary to the Rio Grande, "a mere law," by which alone she could acquire no title. "San Patricio on the Nueces was her extreme western settlement," according to Mr. Morfit's report; and by the 3d section of the XIIIth article of the constitution of the State of Texas, as I have shown, even this *law*, being repugnant to the Joint Resolutions for annexing Texas to the United States, was no longer in force; all which the President of the United States was bound to know.

But, sir, admit for a moment that it was in force, and that the western boundary of Texas was as claimed by that Republic. This boundary on the west was declared to be the Rio Grande, from its mouth up to its head waters, thus including New Mexico, with Santa Fe, its capital, &c. That was the extent of Texas, if her claim to the Rio Grande was valid, and New Mexico, being east of the Rio Grande, thus became a part of Texas. But what says the President in his message of December, 1846? "By rapid movements the province of New Mexico, with Santa Fe, its capital, has been *captured* without bloodshed," says the President in that document, and he goes on to add:

"In less than seven months after Mexico commenced hostilities, at a time selected by herself, we have taken possession of many of her principal posts, driven back and pursued her invading army, and *acquired military possession of THE MEXICAN PROVINCES OF NEW MEXICO, NEW LEON, Coahuila, Tamaulipas,*" &c.

"Military possession of the MEXICAN provinces of *New Mexico, New Leon, Coahuila, and Tamaulipas!*" The President thus acknowledges all these provinces to be Mexican, says he has "*captured* New Mexico, with Santa Fe, its capital," territory lying on the east side of the Rio Grande; and yet, sir, incredible as it may seem, in this very message, he argues that the act of the Republic of Texas, claiming the Rio Grande as her western boundary, from its mouth to its source, gave her title to the extent of her claim. Hear what he says in his message of 1846 on this point:

"The Republic of Texas always claimed this river (the Rio Grande) as her western boundary, and in her treaty made with Santa Anna, in May, 1836, he recognised it as such. * * * The Congress of Texas, on the nineteenth of December, 1836, passed 'an act to define the boundaries of the Republic of Texas,' in which they declared the Rio Grande, from its mouth to its source, to be their boundary, and by the said act they extended their civil and political jurisdiction over the country up to that boundary."

And yet, sir, because we cannot agree to this manifest absurdity, and stultify ourselves by admitting that the territory of "Mexican provinces," which he says he "*captured*" from Mexico in 1846, was American soil, and belonged to the United States when thus captured, we are to be denounced as traitors!

The President asserts, in his annual message of 1846, that "Mexico herself has never placed the war, which she has waged, on the ground that our army occupied the intermediate territory between the Nueces and the Rio Grande." This assertion, thus solemnly made, I shall show to be untrue. It has been often repeated in the newspapers of the day, and on the 25th day of December last, at a public meeting held in Texas, which was addressed by Senator Hous-

ton, one of the resolutions offered by him, and adopted by the meeting, declared, "that the Nueces was not mentioned in Mexico as the western boundary of Texas, until the point was raised and urged by the opposition here."

When false statements like these are made by such high official characters as President Polk and Senator Houston, it is not strange that they are repeated and insisted on by their followers on this floor, and in the public press. But it happens, very frequently, that when the President in a message to Congress makes a statement unfounded in fact, he furnishes us the means of proving the statement untrue—in the documents, at the same time, laid before us. In this instance, in particular, it is remarkable, that the documents accompanying his war message of 1846, convict him of ———; what shall I call it? I know not how to characterize this assertion of the President in language consistent with truth, yet respectful to him, and proper to be used here. It is almost impossible to suppose that the President, when he made this assertion, believed it to be true, unless you come to the conclusion that he had never read the documents submitted to us by himself. I have here, sir, the letter of Pedro d'Amputia, commander of the Mexican forces, dated "*Head quarters at Matamoras, April 12, 1846,*" the receipt of which General Taylor acknowledges on the same day—in which the commencement of hostilities is put expressly on the ground, that our army was occupying the country between the Rio Grande and the Nueces. It is as follows:

"Fourth Military Division.

"GENERAL IN CHIEF: To explain to you the many grounds for the just grievances felt by the Mexican nation, caused by the United States Government, would be a loss of time, and an insult to your good sense. I therefore pass at once to such explanations as I consider of absolute necessity.

"Your Government, in an incredible manner—you will even permit me to say an extravagant one, if the usage or general rules established and received among all civilized nations are regarded—has not only insulted, but has exasperated the Mexican nation, bearing its conquering banner to the left bank of the Rio Bravo del Norte, (*Rio Grande*) and in this case, *by explicit and definite orders of my Government*, which neither can, will, nor should receive new outrages, I require you in all form, and at latest in the peremptory term of twenty-four hours, to break up your camp, *and retire to the other bank of the Nueces river*, while our Governments are regulating the pending questions with regard to Texas. *If you insist upon remaining upon the soil of the department of Tamaulipas, it will clearly result that arms, and arms alone, must decide the question.*

Signed,

"PEDRO DE AMPUDIA.

"To Gen. TAYLOR."

This the President submitted to us in May, 1846. Yet, in his message of December following, he informed us "that Mexico had never placed the war on the ground that our army occupied the intermediate territory between the Nueces and the Rio Grande." His adherents, taking the cue from him, reiterate the untruth, and pretend that the boundary of the Nueces was an afterthought, suggested to Mexico by the opposition here. It is sufficient for me to expose the miserable fraud and falsehood of such a pretence without further comment.

It appears, then, that if Texas claimed to the Rio Grande, Mexico claimed to the Nueces. Texas was in possession of Corpus Christi, west of the Nueces, and Mexico was in possession of the whole eastern bank of the Rio Grande, from its mouth to its source. While, therefore, by the annexation resolutions, the question of boundary was left open for negotiation, the

actual boundary, as marked by possession, seems to have been, not the Nueces or the Rio Grande, but the "stupendous deserts" between the two rivers. Mr. Polk, however, claims, that because Texas held Corpus Christi, which, though west of the Nueces, is one hundred and fifty miles east of the Rio Grande, therefore she extended to the last named river—very much as if the State of New York should say, "our eastern limits extend beyond the Hudson, therefore our boundary on the east is the Connecticut river!"

But it is said that Santa Anna, by a treaty with Texas, acknowledged her independence, and admitted the validity of her claim to the boundary of the Rio Grande. This point is deemed of so much importance, that it is made in the annual message of the President at the meeting of the second session of the 29th Congress as follows:

"In the month of May, 1836, (says President Polk in that message,) Santa Anna acknowledged, by a treaty with the Texan authorities, in the most solemn form, 'the full, entire, and perfect independence of the Republic of Texas.' It is true he was then a prisoner; but it is equally true that he had failed to reconquer Texas, and had met with signal defeat; *that his authority had not been revoked*, and that by virtue of this treaty he obtained his personal release. By it hostilities were suspended, and the army which had invaded Texas under his command returned, in pursuance of this arrangement, unmolested to Mexico."

Now, sir, I propose to examine the validity of this treaty, thus solemnly claimed, in a message to Congress, to be of binding force on the Republic of Mexico. Santa Anna was a captive, a prisoner of war, and to procure his release made this pretended treaty. Let us suppose that when President Polk had failed in his efforts to supersede Gen. Taylor by the appointment of a Lieutenant General, he had, finding he could get rid of him in no other way, proceeded to Mexico, and at the battle of Buena Vista had taken the command of the army in person, as did Santa Anna. And suppose further, (not an unreasonable supposition,) that he had lost that battle, had been taken prisoner by the Mexicans, and while in captivity in the halls of the Montezumas, had made a treaty, ceding to Mexico not only Texas, but Louisiana, to the Mississippi river—would gentlemen have assented to the validity of such an instrument? Yet, sir, it would have all the authority which belongs to Santa Anna's treaty.

But the President tells us, that though Santa Anna was a prisoner of war, yet "his authority had not been revoked." The treaty, he says, was made in the month of May, 1836. On the 9th of July following, M. E. De Gorostiza, the Mexican minister residing in Washington, addressed Mr. Forsyth, Secretary of State, as follows:

"WASHINGTON, July 9, 1836.

"SIR: Having been assured that some new commissioners of the so-called Government of Texas are about to arrive in this federal city, and as they may, perhaps, in order to give greater weight to their negotiation, bring forward *some agreement which Santa Anna may have concluded since he was made prisoner of war on the field of San Jacinto*, I consider it my duty to communicate to you, Mr. Secretary of State, as it may not as yet have been seen by you, for your information, an official copy of the law promulgated on the 20th of May last (1836) by the Mexican Congress, the third article of which precisely provides for this case, by declaring all such agreements void *ab initio*.

Signed,

"M. E. DE GOROSTIZA.

"To Hon. JOHN FORSYTH, Secretary of State."

Then follows the law referred to, the first and third sections of which are as follows:

"Art. 1. The Government will excite the patriotism of the Mexicans, and will employ all the resources in its power, to continue with vigor the war in Texas until the national honor be established, the interests of the republic entirely secured, and the liberty of the President General be secured."

"Art. 3. The Government will fulfil the objects of the first article, *without regard to any stipulation which the President (Santa Anna) may make, or have made while a prisoner; such stipulations, being null, void, and of no effect.*"

Yet the President of the United States tells us that Santa Anna's authority had not been revoked. Here, too, he uses guarded language with a peculiar meaning—"keeping the word of promise to the ear." "His authority" (he says) "*had not been revoked!*" The treaty was signed on the 14th of May; the law just referred to was promulgated on the 20th of May, six days after the treaty, *but before it was known in Mexico.* It spoke of the treaty stipulation made, or to be made, and declared it, whether made or to be made, null, void, and of no effect. Does the President, by saying that Santa Anna's authority *had not been revoked*, mean to "palter with us in a double sense?" Or was he ignorant of this protest of Gorostiza and the law of Mexico, thus brought to the notice of our Government? If he was ignorant, General Jackson was not, and I shall now proceed to show what he, when President of the United States, thought and said of this treaty with Santa Anna.

Santa Anna, it is said, styles himself the Napoleon of the West; and it must be acknowledged that his march from San Luis Potosi to Buena Vista, if it had resulted as he anticipated, would have partaken somewhat of Napoleon's style of tactics. It was certainly a remarkable expedition, and only wanted success to make it brilliant on his part. He showed, too, very great military ability, and great energy, and fertility of resources, in being able, after his entire defeat at Buena Vista, to assemble so soon afterwards a powerful army at Cerro Gordo. After the battle of Cerro Gordo, his combinations at the city of Mexico were such, that they could only have been defeated by the unrivalled skill and science of the greatest military commander of the age, (Gen. Scott,) and the bravery of troops whose unyielding courage has never been surpassed in any age, among whom the sons of Connecticut bore a distinguished part. Well, sir, this Napoleon of the West, while a prisoner in Texas, wrote a letter to President Jackson, as Napoleon did to George III. in 1805. It was dated on an auspicious day, the 4th of July, 1836. In that letter he requested Gen. Jackson to lend his aid in carrying into effect his treaty with Texas; and while he protested and swore, in his usual fashion, that he would suffer a thousand deaths, and I know not how many tortures, rather than yield one inch to Texas, yet, as it was vain to struggle longer, he had concluded to yield to necessity, and had made the treaty. Let me read a brief extract from this letter:

Mexico

"The President of the Republic of ~~Texas~~ to the President of the United States:

COLUMBIA, (IN TEXAS,) July 4, 1836.

"MUCH ESTEEMED SIR:

* * * * *

"When I offered to treat with this Government, I was convinced that it was useless for Mexico to continue the war. I have acquired accurate information respecting this country, which I did not possess four months ago. I have too much zeal for the interests of my country to wish for any thing which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, *I never would have hesitated to subject myself to torments or death rather than consent to any compromise, if Mexico could thereby have obtained the slightest benefit.* I am firmly convinced that it is proper to terminate this question by political negotia-

tion. That conviction alone determined me sincerely to agree to what has been stipulated; and, in the same spirit, I make you this frank declaration. Be pleased, sir, to favor me by a like confidence on your part," &c.

(Signed)

"ANTONIO LOPEZ DE SANTA ANNA."

Gen. Jackson, sir, did favor him with "a like confidence on his part." I have here the answer of Andrew Jackson to this redoubtable letter. He knew that the treaty was a nullity, and he frankly told him so. He says to him, in substance: "Sir, in reference to the treaty you have signed with Texas, we have been notified by Mexico that it is null and void. We are forbidden to notice it because you are a prisoner. So, Mr. Santa Anna, I'll have nothing more to do with you." Here, sir, is Gen. Jackson's letter. It has not yet been alluded to in debate, and may be new to some members of the Committee.

"HERMITAGE, September 4, 1836.

"SIR: I have the honor to acknowledge the receipt of your letter of the 4th of July last, which has been forwarded to me by Gen. Samuel Houston, under cover of one from him, transmitted by an express from Gen. Gaines, who is in command of the United States forces on the Texan frontier. The great object of these communications appears to be to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well intended effort of yours in aid of this object should have been defeated, is calculated to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico, in her domestic as well as her foreign relations.

"The Government of the United States is ever anxious to cultivate peace and friendship with all nations, but it proceeds on the principle that all nations have the right to alter, amend, or change their own government as the sovereign power (the people) may direct. In this respect it never interferes with the policy of other powers, nor can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations, or remove the causes of misunderstanding, is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

"In reference, however, to the agreement which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden by the character of the communications made to us through the Mexican minister from considering it. THAT GOVERNMENT HAS NOTIFIED US THAT, AS LONG AS YOU ARE A PRISONER, NO ACT OF YOURS WILL BE REGARDED AS BINDING BY THE MEXICAN AUTHORITIES. UNDER THESE CIRCUMSTANCES IT WILL BE MANIFEST TO YOU THAT GOOD FAITH TO MEXICO, AS WELL AS THE GENERAL PRINCIPLE TO WHICH I HAVE ADVERTED AS FORMING THE BASIS OF OUR INTERCOURSE WITH ALL FOREIGN POWERS, MAKE IT IMPOSSIBLE FOR ME TO TAKE ANY STEP LIKE THAT YOU HAVE ANTICIPATED. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it. To be instrumental in terminating the evils of civil war, and in substituting in their stead the blessings of peace, is a divine privilege. Every Government, and the people of all countries, should feel it their highest happiness to enjoy an opportunity of thus manifesting their love of each other, and their interest in the general principles which apply to them all as members of the common family of man.

"Your letter, and that of Gen. Houston, commander-in-chief of the Texan army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October. In the mean time I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another campaign is undertaken, and can add to the

number of those scenes of bloodshed which have already marked the progress of their contest, and have given so much pain to their Christian friends throughout the world.

"This is sent under cover to Gen. Houston, who will give it a safe conveyance to you.

"I am, very respectfully, your obedient servant,

"ANDREW JACKSON.

"To Gen. ANTONIO LOPEZ DE SANTA ANNA."

There, sir, is the opinion of OLD Hickory, honestly and frankly expressed. But what says President Polk? He, sir, does not hesitate, in a solemn message to Congress, to argue that this treaty was of binding validity upon the Mexican nation, although Gen. Jackson declared himself forbidden, by the character of the communication made to him by Gorostiza, even to "*consider*" it. "*Good faith to Mexico*" would not permit it. What would Gen. Jackson have said, had he been told that, ten years afterwards, a President of the United States would attempt to prove our title to the Rio Grande by that treaty? Yet President Polk is not ashamed to use it, as an argument to show that American blood has been shed upon American soil. I was surprised at that, but I confess I was still more surprised, when I found that so distinguished a lawyer as the Senator from Maryland (Mr. REVERDY JOHNSON) had deemed it worthy of consideration. I venture to say that the protest of Gorostiza, with the act of the Mexican Congress to which it referred, and this letter of Gen. Jackson, had escaped his recollection.

Mr. Chairman, the best and most enlightened statesmen of the Democratic party, (leaving out of the question, for the present, the opinions of leading Whigs in and out of Congress,) have declared, as I have shown, that the soil on which the first blood was shed in this war, was not, at the commencement of hostilities, within the boundaries of the United States; that it never was a part of Texas, but was, in May, 1846, and for years had been, a part of the territory of Mexico; and, when invaded by the President, was in the actual, undisturbed, and peaceful possession of that Republic. I have shown, too, the fact that the Mexicans had long occupied it with military posts, which occupation was, by Mr. Secretary Marcy, declared, on the 8th day of July, 1846, to be consistent with relations of peace between Mexico and the United States. I have shown that when Texas was annexed Congress did not decide the boundary question, but "consented that the territory *properly* included within, and *rightfully* belonging to the Republic of Texas," should be admitted as one of the States of this Union, with an express "condition" that said State should be annexed "*subject to the adjustment by this Government of all questions of boundary with other Governments;*" and that the President of the United States, while negotiations for this adjustment were pending, and while Congress was in session, not only without the advice of Gen. Taylor, but AGAINST his advice, ordered the army to take forcible possession of the territory in question. The consequence has been the war in which we are now engaged. Whatever difference of opinion there may be in the minds of men with regard to the prosecution of the war, I think that, among the Whig party at least, there is entire unanimity of opinion, that the war was unnecessarily and unconstitutionally commenced by the President of the United States, and that this opinion is also entertained by many intelligent members of the Democratic party. It may be thought by some, that since the war has been recognised by Congress, it should be prosecuted with vigor; but that the President is responsible for its existence, is too clear to admit of a doubt. He, sir, usurped the war-making power. He involved us in a controversy, which has entailed on the industry of this country a debt, the amount of which no man can now estimate; has exhausted vast resources needed for many useful purposes of internal improvement; and has, above all, cost the nation an expenditure of human blood, and a degree of human suffering,

which language cannot measure. Believing this, I am of opinion that the responsibility should be placed where it rightfully belongs; that he who has been the cause of such immeasurable evils should be held to answer for the consequences of his own unauthorized acts. His supporters will fail in their endeavor to identify him with the country. It was not the nation, *it was the President*, who commenced this unnecessary war. "*The President, (not the country,) right or wrong,*" must be their motto, who deny our right to examine the origin of the contest. The country had no voice in its commencement. The representatives of the people were not consulted, but the President of the United States plunged headlong into a controversy, which all the Nation's means, and all the Nation's courage, have not yet been able to terminate. I claim, therefore, that in charging upon the President the consequences of his own acts, I am on the side of my country; and in opposing him in the execution of his ambitious designs, I defend her best interests.





